

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BARRY R. TODD,

Petitioner,

v.

VICTOR VEGA,

Respondent,

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No. 4:14CV00313 ERW

**MEMORANDUM AND ORDER**

This matter is before the Court on petitioner's petition for writ of habeas pursuant to 28 U.S.C. § 2241. Petitioner seeks an order from the Court directing the Bureau of Prisons ("BOP") to place him on home confinement. Respondent argues that the petition must be dismissed because petitioner failed to exhaust administrative remedies.

Petitioner pled guilty to one count of bank fraud. On May 16, 2012, the Court sentenced him to a prison term of twenty-eight months and five years of supervised release. Petitioner is currently housed at the Residential Reentry Center ("RCC"), Dismas House, St. Louis, Missouri. His projected release date is August 17, 2014, via good conduct time release.

Plaintiff contends that he is eligible for early home confinement because he is elderly and poses no risk to the community.

Administrative procedures exist within the BOP for resolution of claims such as this one. See Rogers v. United States, 180 F.3d 349, 358 (1st Cir.1999) ("Once administrative remedies are exhausted, prisoners may then seek judicial review of any jail-time credit determination, by filing a habeas petition under 28 U.S.C. § 2241.") (citing United States v. Wilson, 503 U.S. 329, 335 (1992); 28 C.F.R. §§ 542.10-542.16). "A prisoner may bring a habeas action challenging

the BOP's execution of his sentence only if he first presents his claim to the BOP.” Mathena v. United States, 577 F.3d 943, 946 (8th Cir. 2009).

Petitioner does not allege that he exhausted his available administrative remedies before bringing this action. As a result, petitioner is not entitled to relief.

Accordingly,

**IT IS HEREBY ORDERED** that the petition for writ of habeas corpus is **DISMISSED**.

An Order of Dismissal will be filed separately.

So Ordered this 20<sup>th</sup> day of May, 2014.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written above a horizontal line.

E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE